

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1-16, 18-19 and 21 directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 20, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, Claim 20 is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on May 16, 2007 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### *Allowable Subject Matter*

1. Claims 1-16 and 18-21 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. Regarding Claim 1 and 10, the closest prior art, Langer et al. (US Patent No. 6,458,418 B2) discloses a multilayer mat comprising three or more of non-intumescent

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and intumescent layers. However, there is no motivation/suggestion to have the non-intumescent layer positioned between the two intumescent layers.

4. Claims 2-9 are dependent claims of claim 1.
5. Claims 11-16, 18-19 and 21 directly or indirectly depend on claim 10.
6. Regarding Claim 20, the closest prior art, Langer et al. (US Patent No. 6,458,418 B2) discloses the method for making a multilayer mat comprising three or more of non-intumescent and intumescent layers. However, there is no motivation/suggestion to have the non-intumescent layer positioned between the two intumescent layers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY-TRAM NGUYEN whose telephone number is (571)270-3167. The examiner can normally be reached on MON- THURS: 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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HTN

10/27/08

/Walter D. Griffin/

Supervisory Patent Examiner, Art Unit 1797